

REMARKS

1. Claims 1, 10, 21, 27 and 32 have been provisionally rejected under the judicially granted doctrine of obvious use-type double patenting as being unpatentable over claims 115-121 of co-pending application 09/626,577 in view of Ouchi patent 5,978,836. Applicant respectfully submits that this rejection is not proper for the following two (2) reasons.

A double patenting cannot occur because the Examiner has had to cite a second reference (Ouchi) in addition to claims 115-121 of co-pending application 09/626,577 in order to reject the claims. The citation of the second reference (Ouchi) indicates that there are significant differences between claims 1, 10, 21, 27 and 32 in this application and claims 115-121 in co-pending application 09/626,577.

2. Claims 1, 10, 21, 27 and 32 as now written distinguish patentably over claims 115-121 in co-pending application 09/626,577 even when Ouchi is combined with claims 115-121 of co-pending application 09/626,677 to reject the claims. This will be discussed in detail subsequently.

3. Claims 1 and 3-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn patent 6,618,747 and Ouchi patent 5,998,836. As now written, claims 1 and 3-6 are allowable over the combination of Flynn and Ouchi.

There may be a different interpretation by applicant and the Examiner concerning the operation of Flynn. Applicant will accordingly provide his analysis of the operation of Flynn.

A server in Flynn receives from a sender a message intended for a recipient. The server transmits information concerning the message to an address that is unique to the message, the sender and the recipient. This address is designated as the unique call address. The information in the unique call address may include the information identifying the sender, the server and the recipient.

The information identifying the sender, the unique call address and the recipient is transmitted by the server to the recipient. Column 2, lines 23-26 in Flynn states the following:

"Only a notification that an e-mail or an e-mail plus an attachment is awaiting retrieval is sent to the recipient and appears at the computer."

The recipient then sends the identification of the sender and the recipient to the unique call address. The message is not included in the transmission. If the unique call address is correct and the identifications of the sender and the recipient match the identification of the sender and the recipient at the unique call address, the unique call address sends the message to the recipient.

The recipient downloads the message. As indicated in column 6, lines 56-65 of Flynn:

"Upon downloading of the message data string, the instant invention generates a notice of receipt that is forwarded to the original sender.

The notice of receipt forwarded to the sender at the sender's POP server includes information concerning the collection of the e-mail by the recipient such as for example the address to which the e-mail was downloaded, the time it was downloaded, and optionally, a compressed copy of the original message. When the sender enters their POP server, they receive the notification of receipt by the recipient."

This notification of receipt is indicated in column 7, lines 6-14 of Flynn as being sent to the sender. Flynn then states the following in column 7, lines 14-17:

"Preferably, in the notification of receipt, a copy of the electronic message as received by the recipient is included. This message may

then be compared with the message sent to verify that the message was not garbled during the transmission."

As will be seen from the above discussion, there are significant differences between applicant's system and Flynn's system. In applicant's system, after the message and the message encrypted hash at the server have been transferred to the sender from the server but before the authentication of the message, the message and the encrypted hash of the message are thereafter transmitted from the sender to the server and are processed at the server, without assistance from the recipient, to authenticate the message. The server authenticates the message in applicant's system. Applicant recites this in claims 1-9 and other claims.

In contrast, the sender in Flynn authenticates the message. This may be seen from the discussion by Flynn in column 7, lines 6-19. The recipient in Flynn plays an active part in processing the information to authenticate the message after the information has been transferred to Flynn's sender but before the information at the sender has been authenticated. The active part performed by the recipient is in sending to the sender the message received by the recipient. The server in Flynn does not play an active part in authenticating the message.

So there are at least three (3) significant differences between the systems of applicant and Flynn. The server in applicant's system authenticates the message and the recipient in applicant's system does not play an active part in the step of authenticating the message. The sender in applicant's system is not involved in the step of authenticating the message although the sender is involved in the step leading to the step of authenticating the message since the sender sends the message to the server.

In Flynn's system, the sender authenticates the message and the recipient plays an active part in the step leading to the step of authenticating the message since the recipient sends the

received message to the sender. The server in Flynn's system does not play an active part in the step of authenticating the message.

In applicant's claims, the Examiner has interpreted the words "in a manner special to the sender as indicating a number of different recipients." Applicant does not believe that this is a proper interpretation because applicant has recited a single recipient in the claims. However, in order to avoid any problems with the Examiner in interpreting the language in the claims, applicant has amended the claims so that the claims now recite "in a manner special and individual to the recipient." (Underlining supplied.) Applicant respectfully submits that this language avoids the problems raised by the Examiner in interpreting the claims. Applicant has also added the words "and not normally followed by the server" in at least some of the claims to make it clear that applicant is dealing in the claims only with a single recipient.

Applicant respectfully submits that claim 1 as written distinguishes over Flynn for several reasons including the following.

- (i) Flynn does not disclose the step of providing an indication at the server from the sender that the sender wishes to send a message in a manner special and individual to the recipient.
- (ii) Flynn does not disclose the step of providing an indication from the sender to the server that the sender wishes to have the message transmitted to the recipient in a manner special and individual to the recipient and not normally followed by the server.
- (iii) The language "in a manner special and individual to the recipient and not normally followed by the server" avoids problems with other recipients.
- (iv) Flynn does not process information sent from the sender to the server, without any assistance from the recipient, to authenticate the message.

a. Claim 1 is allowable over Ouchi for the same reasons as discussed above. Because of this, Ouchi cannot be combined with Flynn to reject claim 1. Furthermore, column 19, lines 50-53 in Ouchi is so vague, indefinite and meaningless that it does not serve as a proper prior art reference. It is well established in patent law that an Examiner has to cite definite statements that specifically disclose the elements or method steps recited in a claim. For example, the Examiner should be citing a prior art reference that a message is distinguished in travel between a server and a recipient between normal handling on the one hand and special and individual handling on the other hand.

b. The Examiner has cited column 12, lines 11-15 and column 3, lines 31-34 in Ouchi against claim 3. In applicant's system, the server controls the path between the server and the recipient. In Ouchi, the server does not control the path. Users along the path in Ouchi control the path. This distinction is recited in claim 3.

c. With respect to claim 6, the Examiner has admitted that Flynn does not teach that an additional indication is provided to the server with the message from the sender that a high priority should be provided by the server to sending the message by the server to the recipient and that the server provides the high priority in sending the message to the recipient in accordance with the additional indication. Ouchi does not disclose this in column 19, lines 50-53. A general statement in a prior art reference is not sufficient to show that a specific recitation in a claim is disclosed in the prior art reference. Column 19, lines 50-53 in Ouchi does not disclose that an additional indication is provided to the server with the message from the sender in the manner special and individual to the recipient and that a high priority should be provided by the server to the sending of the message by the server to the recipient and that the server provides the high priority in sending the message.

5. Claims 10-12 have been rejected as unpatentable over Flynn, Ouchi, and Barkan patent WO 9817042. Claims 10-12 are allowable over Flynn, Ouchi and Barkan for certain important reasons.

a. Claim 10 recites the step of transmitting from the server to the recipient, in the manner special and individual to the recipient and indicated by the sender to the server, the message and an identification and address of the server and an indication representing the identity of the sender. There is also a recitation in claim 10 of the step of

transmitting from the server to the sender in the manner special and individual to the recipient, the message and an encrypted hash of the message and the handshaking and delivery history of the message received by the server from the recipient. There is also a recitation in claim 10 of the step of transmitting from the sender to the server the information previously received by the sender from the server when the server wishes to have the message authenticated. These steps are not disclosed by Flynn, Ouchi or Barkan.

b. Claim 11 is allowable over Flynn, Ouchi and Barkan because it is dependent from allowable claim 10. In addition, none of the references (including Ouchi) discloses the step of receiving, at the server from the sender with the message from the sender, an indication, in addition to the first indication from the sender, of an additional function to be performed in the transmission of the message from the server. There is also no disclosure in any of Flynn, Ouchi and Barkan of the step of providing the additional indication in the transmission of the message from the server to the recipient. A general, vague and ambiguous statement as in Ouchi is not sufficient to overcome the specific recitations made by applicant in claim 11.

c. Flynn, Ouchi and Barkan do not disclose the recitations in claim 12. For example, the references do not disclose that the message and the encrypted hash of the message are sent by the server to the sender before the authentication of the message and that the server does not retain the message or the encrypted hash of the message after it transmits the message and the message hash to the sender before the authentication of the message. The references also do not disclose that the sender sends the message and the encrypted hash to the server for authentication of the message at the server after the server discards the message and the message hash.

Claim 12 is also allowable over the references because it is dependent from allowable claim 11.

6. Claims 13 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn, Ouchi and Barkan in view of Sasmazel patent 6,725,376. Claims 13 and 20 are allowable over the prior art because they are respectively dependent from allowable Claims 11 and 10.

7. Claims 21 and 22 have been rejected under 55 U.S.C. 103(a) as being unpatentable over Flynn, Ouchi and Barkan in view of Sasmazel. Claims 21 and 22 are allowable over the references for the following reasons:

a. Claim 21 recites the step of transmitting from the sender to the server the message and the encrypted hash of the message and an indication from the sender that the message is to be handled by the server in a manner special and individual to the recipient and different from a normal handling of the message by the server. To make certain that the Examiner cannot read this on a plurality of recipients, applicant has recited that the message is to be handled by the server in a manner special and individual to the server. The word "individual" indicates that the "manner" relates to the recipient. The word "special" indicates that the method relates to a handling different from a normal handling by the server. This is fortified by the recitation of "different from the normal handling of the message by the server."

b. The references do not disclose the step of handling the message, in the manner special and individual to the recipient, in accordance with the indication from the sender to the server.

c. There is no disclosure in the references of the steps of thereafter transmitting to the server from the sender the information previously transmitted from the server to the sender, the transmission occurring before any authentication of the message. In other words, Flynn and Barkan do not disclose the transmission of information from the server to the sender and the subsequent transmission of the information from the sender to the server, all before any authentication of the message. For example, this is not disclosed by Flynn in (i) column 2, lines 20-23, (ii) column 2, lines 52-55, and (iii) column 7, lines 16-18.

d. Flynn also does not disclose the step of thereafter processing the information transmitted to the server from the sender to authenticate the message. Since Flynn and Barkan do not disclose the step discussed in the previous paragraph, they do not disclose the "thereafter" step discussed in the paragraph.

Claim 22

Since claim 22 is dependent from claim 21, claim 22 is allowable over the references for the references for the same reasons as claim 21.

8. Claim 26 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Barkan and in view of Ouchi. Claim 26 is allowable over the combination of Flynn, Barkan and Ouchi for certain important reasons.

The Examiner has admitted that Flynn does not teach that the message is processed by the server, in a second path different from the first path, when the indication is provided by the sender to the server with the message. According to the Examiner, Ouchi teaches in column 12, lines 3-15, that the message is processed by the server in a second path different from the first path when the indication is provided by the sender to the server with the message. Ouchi does not disclose this in column 12, lines 3-15. Ouchi discloses a system in which the path is varied by users along the way.

Neither Flynn nor Ouchi describes that the message and other specified information are transmitted by the server to the sender for storage by the sender before any authentication of the message and are thereafter discarded at the server before any authentication of the message. According to the Examiner, Barkan discloses this on page 41, fourth paragraph and page 46, lines 1 and 2. This is not true. Barkan discards the message only after the message has been authenticated. If the message is destroyed in Barkan before the message is authenticated, the message cannot thereafter be authenticated. Furthermore, applicant's message is not encrypted but the message in Barkan is encrypted. There is a big difference between the handling of encrypted and non-encrypted messages.

9. Claims 27, 32 and 33 have been rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Ouchi and in view of Barkan. Claims 27, 32 and 33 are allowable over the combination of Flynn, Ouchi and Barkan for certain important reasons.

a. As the Examiner has admitted with respect to claims 27 and 32, Flynn does not teach that the sender sends to the server an indication that the message from the sender should be sent by the server to the recipient through a second path different from a first path normally provided from the server to the recipient. According to the Examiner, Ouchi teaches in column 12, lines 10-15, that the server receives from the sender an indication that the message should be sent by the server to the recipient through a second path different from a normally provided first path. This is not true. In Ouchi, changes in path are provided by users disposed between the server and the recipient. Changes in path in Ouchi are not provided as a

result of indications from the sender to the server. In column 2, lines 8-12, Ouchi indicates what would be desirable, not what has been done. Furthermore, in column 22, lines 8-12, Ouchi does not provide a flow path from the server to the recipient on the basis of an indication from the sender to the server.

Since claim 33 is dependent from claim 32, claim 33 is allowable over the combination of references for the same reasons as claim 32. Claim 33 is also allowable over the combination of references for certain additional important reasons. According to the Examiner, the second paragraph in Barkan, page 35 discloses that Barkan destroys the message and certain additional information at the server before the message is authenticated. This is not true. Barkan specifically indicates that the message is destroyed after the message is authenticated. There is a significant difference between destroying the message at the server before the message is authenticated and after the message is authenticated.

The Examiner has also cited Flynn, column 7, lines 1 and 19 to support the position that Flynn discloses that the message is sent from the server to the sender before the authentication of the message. However, Flynn does not disclose in column 7, lines 10-19 that the message is sent from the sender to the server to have the message received by the recipient authenticated. Furthermore, Flynn does not disclose that the server destroys the message and the other information after the server transmits the message and the other information to the sender before the server authenticates the message.

The Examiner has devoted a considerable discussion on page 20 of the Office Action dated April 4, 2006 about the significance of Flynn. Applicant appreciates this discussion. However, there are two (2) recitations in claim 33 to distinguish the claim over Flynn:

- a. Flynn does not destroy the message at the server after Flynn sends the message from the server to the sender before the message is authenticated.
- b. Flynn does not thereafter send the message from the sender to the server when the sender desires to have the message authenticated after the server has destroyed the message. This may be seen from the following discussion in Flynn column 7, lines 14-19:

"Preferably, in the notification of receipt, a copy of the electronic message as received by the recipient is included. This message may then be compared with the message sent to verify that the message is not garbled during transmission."

As the Examiner will note, the words "sender" and "recipient" are used in the discussion by Flynn in column 7, lines 10-19 above but not the word "server."

Applicant's system has certain important advantages in having the sender, and not the server, retain the message. One advantage is that the server does not have to retain the information. This is significant because the files could be quite voluminous if the server retained the message for a number of different clients. The other advantage is that the sender retains the information. It is desirable for the sender to retain the information since the sender is generally the person who seeks the authentication. The sender will not alter the message in applicant's system since the encrypted hash in the message inhibits the sender from altering the message.

9a. Claim 21 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Sasmazel patent 6,725,376. As will be seen from the subsequent discussion, claim 26 is patentable over the combination of Flynn and Sasmazel.

Claim 21 is allowable over the combination of Flynn and Sasmazel because of the following recitations in the claim:

receiving the message at the server from the sender,

receiving from the sender at the server the message and the encrypted hash and an indication with the message from the sender that the message is to be handled by the server in a manner special and individual to the recipient and different from a normal handling of the message by the server for the recipient, and

handling the message at the server in the manner special and individual to the recipient, in accordance with the indication from the sender to the server,

generating a hash constituting a synopsis of the message in coded form,

encrypting the hash with a particular encryption code to generate an encrypted hash of the message,

thereafter transmitting to the server from the sender the information previously transmitted from the server to the sender, the transmission occurring before any authentication of the message and thereafter processing the information transmitted to the server from the sender to authenticate the message.

Claim 21 is allowable over Sasmazel for the same reasons that it is allowable over Flynn. Therefore, claim 21 is allowable over the combination of Flynn and Sasmazel.

10. Claims 4, 5, 7, 10, 15-17, 27-32, 34 and 35 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn, Ouchi and Sasmazel. These claims are allowable over the combination of references for a number of important reasons including the following:

a. Claim 4 is allowable over the combination of cited references because it is dependent from allowable claim 3.

b. Claim 5 recites that the transmission from the server to the recipient is in a normal manner different from the manner special and individual to the recipient and in a manner normally followed by the server when the sender does not provide an indication to the server that the sender wishes the sender to transmit the message in the manner special and individual to the recipient and different from the manner normally followed by the server. Flynn, Ouchi and Sasmazel do not disclose this.

c. Claim 7 is dependent from allowable claim 5. In addition, there is a recitation in claim 7 that an additional indication is provided to the server, in the manner special and individual to the recipient and not normally followed by the server, with the message

from the sender that a high priority should be provided by the server to the recipient in sending the message to the recipient. A recitation is also made in claim 7 that the server provides the high priority to the recipient in sending the message to the recipient. This is not disclosed in Flynn, Ouchi and Sasmazel. Ouchi certainly does not disclose this in claim 19, lines 50-53 because the discussion in Ouchi is too general.

d. Claim 10 is allowable over Flynn for the following reasons:

(i) Flynn does not record at the server, with the message from the sender, an indication that the message is to be transmitted by the server, in a manner special and individual to the recipient and different from the manner normally provided by the server in transmitting the message;

(ii) Flynn does not transmit the message from the server to the recipient, in the manner special and individual to the recipient and indicated by the sender to the server and different from the manner normally provided by the server in sending messages; and

(iii) Flynn does not transmit the message from the server to the sender before any authentication of the message.

Contrary to the position of the Examiner, Flynn does not disclose in column 7, lines 16-18 that the server send the message back to the sender to authenticate the message. The Examiner will note that the words "sender" and "recipient" are used in column 7, lines 10-18 of Flynn but not the word "server."

e. Claim 11 is dependent from allowable claim 10. Claim 11 is also allowable over Flynn because Flynn does not disclose the steps of receiving at the server from the sender, with the message from the sender, an additional indication, in addition to the first

indication from the sender, of an additional function to be performed in the transmission of the message from the server to the recipient. Ouchi also do not disclose in column 12, lines 4-6 the step of providing the additional function in the transmission of the message from the server to the recipient in accordance with the additional indication provided by the sender to the server. In the case of Ouchi, column 12, lines 12-14 is merely a general indication of what has been provided in the past. It does not specifically disclose what is recited in claim 11.

f. Claim 15 is dependent from allowable claim 11. In addition, claim 15 is allowable over Flynn and Ouchi because neither reference discloses that the additional indication from the sender to the server provides for the message to be sent by the server to the recipient by a special route and that the message is sent by the special route from the server to the recipient in accordance with the additional indication from the sender to the recipient. Flynn does not disclose this in column 5, line 43 and column 2, lines 52-56 and Ouchi does not disclose this in column 12, lines 3-15.

g. Claim 16 is dependent from allowable claim 11. Furthermore, Flynn does not disclose that the additional indication from the sender to the server provides for the message to be specially handled by the server in the transmission of the message from the server to the recipient and that the message is specially handled by the server in the transmission of the message from the server to the recipient in accordance with the additional indication from the sender to the server.

h. Claim 17 is dependent from allowable claim 11. Furthermore, claim 17 is allowable over Flynn for the same reasons as set forth above for claim 7.

i. Claim 27 is allowable over the combination of Flynn and Ouchi for a number of reasons. For example, neither Flynn nor Ouchi discloses the steps of providing an

indication at the server from the sender that the message from the sender should be transmitted by the server to the recipient in a second route different from a first route and that the message is transmitted from the server to the recipient through the second route in accordance with the indication provided to the server from the sender. There is also no indication in either Flynn or Ouchi of the step of transmitting the message to the server from the recipient in the individual one of the first and second routes indicated by the server to the recipient before the authentication of the message. As applicants have indicated previously, this is not disclosed in Flynn in column 7, lines 10-19 because there is no mention of the server in Flynn's lines.

j. Claim 28 is allowable over the combination of Flynn and Ouchi for the same reasons as claim 27 because it is dependent from allowable claim 27.

k. Claim 29 is dependent from allowable claim 27. Claim 29 is also allowable over the combination of Flynn and Ouchi because it recites that the sender provides at the server n indication of an additional function to be performed at the server and that the server performs the additional function in accordance with the additional indication from the sender.

l. Claim 30 is dependent from allowable claim 29. There is also a recitation in claim 30 that the additional indication at the server provides for the message to be specially handled in the transmission of the message from the server to the recipient and that the message is specially handled in the transmission of the message from the server to the recipient in accordance with the additional indication at the sender.

m. Claim 31 is dependent from allowable claim 28. Claim 31 is also allowable over the combination of Flynn and Ouchi for the same reasons as set forth in claim 30.

n. Claim 32 is allowable over the combination of Flynn and Ouchi for the same reasons as set forth above for claim 27.

o. Claim 34 is dependent from allowable claim 32. Claim 34 is also allowable over the combination of Flynn and Ouchi because of the recitation of the two (2) method steps in the claim. Specifically, Flynn does not disclose these steps in column 5, line 43 and column 2, line 52-55. Ouchi also does not disclose this in column 12, lines 3-15 and column 19, lines 43-62. With reference to Ouchi, Ouchi provides general discussions that do not disclose the specific features recited in applicants' claim 34.

p. Claim 35 is dependent from allowable claim 34. Claim 35 is also allowable over the references for the reasons set forth above in the discussion relating to claim 34.

11. Claims 8 and 9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn and Ouchi in view of Skladman patent 6,438,215. Claim 8 is allowable over the references because it is dependent from allowable claim 1. Claim 9 is allowable over the references because it is dependent from allowable claim 5.

12. Claims 22 and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Sasmazel and in view of Olkin patent 6,504,564. Claim 22 is allowable over the references for the same reasons as allowable claim 21 from which it is dependent. Claim 23 is dependent from allowable claim 22. Claim 23 is also allowable over the references discussed above relating to a number of the claims that recite the indication of the manner special and the individual to the recipient.

13. Claims 25 and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Sasmazel and Ouchi.

Claim 25 is allowable over the combination of Flynn, Sasmazel and Ouchi because it is dependent from allowable claim 21. Furthermore, Flynn does not provide the

message and the message encrypted hash at the server after the passage of the message to recipient but before the authentication of the message. This may be seen from the following statement by Flynn in column 2, lines 23-26:

"Only a notification that an e-mail or an e-mail plus an attachment is awaiting retrieval is sent to the receiver and appears at their computer."

Since the recipient does not receive the message, Flynn also does not disclose the step of transmitting the message and the message encrypted hash from the server to the sender before the authentication of the message.

Neither Flynn nor Ouchi discloses the steps of discarding the message. In the case of Flynn, this occurs because the server in Flynn does not have the message or the encrypted hash.

Applicants have not discussed Sasmazel because applicants are not contesting that it is novel for applicants have an encrypted hash.

The Examiner has admitted that Flynn does not disclose the step of processing the message by the server in a second path different from the first path, in the manner special and individual to the recipient, before the authentication of the message. Ouchi also does not disclose this in column 12, lines 3-15. A general statement as in Ouchi column 12, lines 3-15 does not constitute a good prior art against specific recitations in a claim.

Claim 26 is dependent from allowable claim 22. The third through fifth paragraphs in claim 26 are allowable over Flynn and Ouchi for the reasons discussed above with respect to claim 25. Claim 26 additionally recites the step of thereafter transmitting the message from the sender to the server to authenticate the message at the server. Flynn does not disclose

this since the recipient transmits the message to the sender to have the message authenticated.

(See Flynn, column 7, lines 14-19.)

14. Claims 12, 13 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn and Ouchi in view of Sasmazel and in view of Skladman patent 6,488,215.

Claim 12 is dependent from allowable claim 11. Furthermore, Flynn does not disclose that the message and the message encrypted hash are sent by the server to the sender after the server receives from the recipient the message and the encrypted hash but before the authentication of the message. Ouchi and Skladman also do not disclose this.

The Examiner has admitted with reference to claim 12 that Flynn does not disclose that the server does not retain the message and the encrypted hash after it sends the message and the encrypted hash to the sender and before the authentication of the message. According to the Examiner, Skladman discloses this in column 11, lines 1-10. This is not true. Applicant would appreciate it if the Examiner would indicate specifically where Skladman discloses this in column 11, lines 1-10. Ouchi also does not disclose this.

Flynn, Ouchi and Skladman do not disclose that the sender sends the message and the encrypted hash to the server for authentication of the message by the server after the server discards the message and the encrypted hash but before the authentication of the message.

Claims 13 is allowable over the combination of Flynn, Ouchi and Skladman because it is dependent from allowable claim 11. Furthermore, contrary to the position of the Examiner, Skladman does not disclose that an additional indication from the sender to the server provides for a recording of the transmission of the message and that the

transmission of the message is recorded in accordance with the additional indication from the sender to the receiver.

Claim 20 is dependent from allowable claim 10. Furthermore,, Skladman does not disclose in column 11, line 4 that the server requests a delivery status notification from the recipient relating to the message when it transmits the message to the recipient and that the server receives the delivery status notification from the recipient when it receives the message from the recipient.

15. Claim 14 has been rejected under 35 U.S.C. 103(a) over Flynn and Ouchi in view of Sasmazel and in view of Merriam patent 6,609,138.

Claim 14 is dependent from allowable claim 11.

16. The Examiner has ejected claims 18 and 19 as unpatentable over Flynn and Ouchi in view of Sasmazel and Barkan WD9817042.

Claims 18 and 19 are respectively dependent from allowable claims 11 and 10. Furthermore, Barkan does not disclose that the server destroys the message and the encrypted hash of the message after the server transmits the message and the encrypted hash to the sender but before it authenticates the message. On page 35, 2d paragraph, Barkan expressly indicates that he destroys the message after he authenticates the message. As the Examiner will appreciate, there is a considerable difference between destroying the message and the encrypted before authentication and after authentication. If Barkan destroyed the message before authenticating, he could not authenticate the message.

17. The Examiner has rejected claim 24 under 35 U.S.C. 103(a) as unpatentable over Flynn in view of Sasmazel in view of Olkin patent 6,584,564 and in view of Ouchi.

Claim 24 is dependent from allowable claim 21. Furthermore, the claim is allowable over Ouchi, column 2, lines 8-12 since Ouchi's statement appears in the BACKGROUND OF THE INVENTION and indicates what would be desirable and not what

has been accomplished. In addition, Ouchi's statement is so general that it does not indicate that the message is processed by the server in first and second paths defined by applicant in the claims. In other words, none of the references cited by the Examiner discloses that the message is processed by the server in first paths when the indication of the manner special and individual to the recipient and different from a normal handling of the message by the server is not provided by the sender to the server with the message. None of the references additionally discloses that the message is processed by the server at a second path different from the first path when the indication of the manner special and individual to the recipient and different from the normal handling of the message by the server is provided by the sender to the server with the message.

18. Claims 33 and 36-38 have been rejected under 35 U.S.C. 103(a) as unpatentable over Flynn in view of Ouchi, Sasmazel and Barkan.

Claim 33 is dependent from allowable claim 32. Claim 33 is also allowable over the combination of references because none of the references including Barkan page 35, 2d paragraph and Barkan page 1, 1st paragraph discloses the method steps recited in the first two paragraphs of claim 33. See also the discussion above relating to claims 18 and 19.

Claim 36 is dependent from allowable claim 33. Claim 36 is also allowable over the references for the reasons discussed above with respect to claim 24.

Claim 37 is also allowable over the references including Barkan and Sasmazel because none of the references disclosed that the sender transmits the message and the encrypted hash of the message to the server when the sender wishes to have the message authenticated and that the server operates upon the message, and the encrypted hash of the message, transmitted from the sender, to have the message authenticated. Furthermore, Barkan processes an encrypted message to authenticate the message rather than an unencrypted message as in applicant's system, processing an encrypted message as in Barkin is considerably more complicated than processing an unencrypted message as in applicant's invention. Sasmazel provides general statements in column 2, line 40-column 3, line 3 rather than statements specifically dealing with the recitations in claim 37.

Claim 38 is allowable over the references for the same reasons as claim 37 because it is dependent from claim 37.

19. Claims 39-41 have been rejected under 35 U.S.C. 103(a) as unpatentable over Flynn, in view of Sasmazel in view of Ouchi in view of Barkan.

Claim 39 is dependent from allowable claim 26. Claim 39 is also allowable over the references for the same reasons as set forth above in discussing claim 24.

Claim 40 is dependent from allowable claim 39. Furthermore, none of the references discloses that the sender transmits the message, and the encrypted hash of the message, to the server, before the authentication of the message, when the sender wishes to have the message authenticated. See also the discussion above relating to claim 38.

Because of its dependency from claim 40, claim 41 is allowable over the references for the same reasons as claim 40.

20. The Examiner appears to have relied primarily on Flynn in rejecting the claims. As now written, the claims are allowable over Flynn for a number of significant reasons. This has been discussed in some detail in the REMARKS above. The claims are also allowable over the other references, whether used individually or in combination with Flynn and with one another, for the reasons discussed in the REMARKS.

Reconsideration and allowance of the application are respectfully requested.

Please charge any costs or credit any fees in connection with this application to Account
No. 06-2425.

Respectfully submitted,

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